

Bosnia and Herzegovina¹

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Note on territorial organisation and constitutional responsibilities: Bosnia and Herzegovina (BiH) is a decentralised state made of two asymmetrically organised entities and the Brčko District of BiH (a self-governing administrative unit in north-eastern BiH). The Federation of Bosnia and Herzegovina (FBiH) entity is decentralised and made of ten cantons, encompassing the local authorities. Republic Srpska (RS) entity is centralised with only two levels of government – the entity and local authorities. Brčko District (BD) is a local authority independent from entities, where the state legislation applies directly.

The state-level government does not have any direct competencies with regard to social protection and social inclusion policies. These are within the competence of the RS entity, Brčko District and in the FBiH entity under the shared competence of the entity and cantonal governments. Hence, each entity and BD have an independent system of social protection. Leave policies in the country are regulated by entities and BD general labour legislation. Child and family benefits in the FBiH are regulated by the Law on Financial Support to Families with Children at the entity level, and cantonal laws on social assistance. In the FBiH, maternity benefits are financed from cantonal budgets, while the child benefit is financed from the entity budget. In RS, child and family benefits are financed through the RS Fund for Child Protection, which is part of the social insurance system. In BD, child and family benefits are financed from the budget.

For comparisons with other countries in this review on leave provision and early childhood education and care services, please see the [cross-country tables](#) at the front of the review (also available individually on the [Leave Network website](#)). To contact authors of country notes, see the [members](#) page on the Leave Network website.

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1. Current leave and other employment-related policies to support parents

a. Maternity leave (*porodiljsko odsustvo*) (responsibility of the FBiH Ministry of Labour and Social Policy, RS Ministry of Labour and War Veteran Protection and BD Department for Health and Other Services)

Length of leave (before and after birth)

- One calendar year without interruptions in both entities and BD: leave starts 28 days before the expected delivery date in FBiH and RS, or at the latest ten days before the expected delivery date in BD.
- It is obligatory to take 42 days of Maternity leave in the FBiH and BD and 60 days of Maternity leave in RS, without interruption and counting from the delivery date.

Payment and funding

- Maternity benefits are regulated at the level of the RS entity, the cantonal level in FBiH, and the level of BD. The following table gives an overview of Maternity benefits in the RS, BD and FBiH cantons.

Entity / Canton	Replacement rate	Upper limit
Republic Srpska entity	100 per cent of the beneficiary's average registered gross wage in the last 12 months.	None.
Brčko District	100 per cent of the beneficiary's average registered net wage in the last 12 months.	None.
<i>Federation of Bosnia and Herzegovina (FBiH) cantons</i>		
Una-Sana Canton	50 per cent of the beneficiary's average net earnings (or average net earnings in the canton) in the six months before the leave starts. It cannot be lower than 50 per cent of the net average wage in the canton for the previous year.	None.
Posavina Canton	80 per cent of the beneficiary's average net earnings in the six months before the leave starts. It cannot be lower than the minimum net wage. All social insurance	80 per cent of the average net salary in the FBiH in the previous year.

	contributions must be paid at least for the last six months before using the benefit.	
Tuzla Canton	90 per cent of the beneficiary's average earnings in the six months before the leave starts, or 55 per cent of the average net salary in the canton.	Average net salary in the canton.
Zenica-Doboj Canton	KM1,000 [€511.29] ² monthly. In the event that the canton does not have sufficient funds, it is 80 per cent of the beneficiary's average net earnings in the six months before the leave starts.	Average net salary in the canton.
Bosnia-Podrinje Canton	80 per cent of the beneficiary's average net earnings in the six months before the leave starts. For those that were in employment for less than six months, it is 60 per cent of the average net salary in the canton.	None.
Central Bosnia Canton	50 per cent of the beneficiary's net average earnings in the six months before the leave starts.	None.
Herzegovina – Neretva Canton	40 per cent of the beneficiary's net average earnings in the six months before the leave starts.	Average net salary in the FBiH.
Western Herzegovina Canton	The first half of Maternity leave is paid at the level of 70 per cent of the beneficiary's net average earnings in the nine months before the leave starts.	None.
Sarajevo Canton	For beneficiaries with at least 12 or 6 months of insurance, it is respectively 60 per cent or 30 per cent of the average wage (which	None (for the employer).

² Conversion of currency undertaken for 6 July 2023, using www.xe.com/

	cannot be less than the minimum wage in the FBiH). If the beneficiary does not receive any compensation from their employer, the canton will top up the benefit up to the amount of the average net wage in the FBiH in the previous year.	
Canton 10	100 per cent of the beneficiary's net salary in the month before the leave starts (it cannot be lower than the minimum salary), under the condition that the mother has at least one month of insurance before commencing the Maternity leave.	Average net salary in the FBiH.

- Unemployed mothers have the right to a Maternity allowance. The following table summarises the benefit amounts and main eligibility criteria in the FBiH, RS and BD.

Entity / Canton	Eligibility criteria	Duration and amount of Maternity allowance
FBiH entity (the benefit is paid by cantons)	Mother has to be registered as unemployed or in full-time education, and have residency status in the canton.	55 per cent of the minimum salary in the FBiH per month for 12 months. The current amount of benefit is KM328 [€167.70], monthly.
<i>Overview of maternity allowances in the FBiH cantons</i>		
Una-Sana Canton	The canton does not implement the FBiH law (cf. last year's country note).	KM100 [€51.12] as a one-off benefit.
Posavina	The canton does not implement the FBiH law, but the government's decision.	KM400 [€204.51] monthly paid for 12 months.
Tuzla	Residence in the canton of at least six months.	The basic benefit is topped up to the amount of average wage in the FBiH entity.
Zenica-Doboj	Residence of at least six months in the canton.	KM1,000 [€511.29] monthly for 12 months.
Bosnia-Podrinje	No additional conditionality.	The benefit amounts to the average net wage paid in the FBiH in the preceding year.

Central Bosnia	No additional benefits.	-
Herzegovina-Neretva	One of the parents has to have a residence in the canton for at least one year.	400KM [€204.51](based on the government's decision).
Western-Herzegovina	No additional conditionality.	KM350 [€178.95].
Canton Sarajevo	Residence in the canton of at least one year.	The basic benefit is topped up to the amount of average salary in the FBiH entity. Paid for 12 months (counting from the day of birth).
Canton 10	The canton is in the process of harmonising cantonal legislation with the FBiH law. Therefore, the old Decision still applies (cf. last year country note).	100KM [€51.12] monthly for 12 months.
Republic Srpska entity	The mother or the father must have residence status in the RS of at least one year. The mother has to be registered as unemployed at the time of childbirth.	KM405 [€207.07] per month for 12 months. For multiple births, third and any subsequent child, the benefit is paid for 18 months.
Brčko District	The mother has to be registered as unemployed at least six months before childbirth. The beneficiary must have at least two years of registered residence in the Brčko District.	50 per cent of the average net salary in BD for 12 months. For twins, the benefit is paid for 18 months.

- During Maternity leave, women in registered employment maintain their pension insurance. Employers are expected to continue paying payroll contributions, including the payments for pensions and disability insurance for women on Maternity leave. In the RS, employers are refunded full gross salary (including expenses for social insurance contributions) by the RS Fund for Child Protection. Only in some cantons in the FBiH, the employers receive a refund of paid social insurance contributions. The self-employed are expected to pay social contributions and taxes (in the RS, they are refunded); otherwise, they will not maintain their pension insurance. In the RS, women may retire one year earlier for each child born. General conditions for an old age pension are 15 years of insurance and 65 years of age. This means that women that gave birth to one child may retire aged 64 and with 14 years of insurance.
- In the FBiH, Maternity benefits are paid by cantons from general taxes. In RS, the benefits are paid by the RS Fund for Child Protection, financed from payroll contributions. In BD, the benefits are paid from general taxes.

Flexibility in use

- Maternity leave can be used only in one block, that is, if the mother interrupts the leave use, she cannot resume the remaining months of leave.
- If both parents work and if the mother approves (i.e., transfer her right), the father can use Maternity leave upon expiry of the first 42 days of leave after childbirth in the FBiH and BD, and of the first 60 days of leave in RS.
- In both entities and BD, the father of the child (or adoptive parent or foster parent) may exercise the right to Maternity leave from the start if the mother leaves the child, dies or is prevented from using that right for other justified reasons (e.g., serving a prison sentence, serious illness).
- In BD, if both parents work, an extended Maternity leave of 18 months stipulated for women with disabilities can be used by fathers with disabilities.

Eligibility (e.g., related to employment or family circumstances)

- Maternity benefits are provided for all categories of socially insured employees and self-employed, for whom the employment contract and employment status envisage the payment of the full social contributions. However, Maternity benefits are provided only to those who can prove the payment of contributions for a period of at least one year before commencing the Maternity leave (Canton 10 is an exception, where the requirement is only one month of employment). In addition, in the RS, an employer must not have any outstanding obligations towards the Tax Authority.
- For Maternity allowances aimed at unemployed women, eligibility criteria are listed in the table above.
- The right to Maternity leave of same-sex couples is not regulated. The right can be used by one female partner if she is in employment and paying full payroll social insurance contributions (she would be treated as a single mother).

Variation in leave due to child or family reasons (e.g., multiple or premature births; poor health or disability of child or mother; lone parent); or delegation of leave to a person other than the mother

- In the FBiH, RS, and BD, if a mother gives birth to a stillborn child or if a child dies before the end of Maternity leave, the mother has the right to prolonged leave; the length is prescribed by a medical doctor and cannot be less than 45 days, counting from the day of birth or death. During this period, the mother receives financial compensation as for Maternity leave.
- If the parent taking leave dies or cannot exercise the right for any other justified reason, leave can be transferred to the other parent.
- In RS and BD, Maternity leave is extended to 18 months in the case of the birth of twins, third or any subsequent child. In addition, in BD, extended Maternity leave of 18 months is also stipulated for women with disabilities.

a. Paternity leave

- No statutory entitlement.

b. Parental leave

- No statutory entitlement.

c. Childcare leave or career breaks

- One of the parents (including adoptive or foster parents and legal guardians) has the right not to work until the child turns three years of age. During that time, the parent's rights and obligations regarding their employment are suspended, and the right to compulsory health insurance is maintained. This leave period is unpaid, so contributions for pension insurance are not paid during that period, but the employer should pay healthcare contributions for the employee.

d. Other types of leave and flexible working

Adoption leave and pay

- In the FBiH entity, employed/self-employed foster and adoptive parents have the same Maternity leave rights as biological parents, except for the right to a paid break for breastfeeding during working hours. The law in the FBiH does not give the right to fathers to use Maternity leave in case of adoption or foster care.

Time off for the care of dependants

- The FBiH Labour Law stipulates up to seven paid days of leave (financed by employer) in one calendar year in case of marriage, spouse giving birth, sickness or death of the immediate family or household member, and voluntary blood donations. In the RS and BD, this type of leave cannot be longer than five working days, except in the RS where it can be longer in the event of the death of a close family member (it is not stipulated how long). This type of leave has to be approved by the employer.
- In BD, the parent (including adoptive parent or foster care parent) of a child with a malignant disease or severe other disease has the right to be absent from work during the health care treatments. The right is granted based on medical documentation. During this period, the parent receives a full salary (Article 83a).
- Laws on health insurance stipulate the right to sickness benefits for the care of the family member.
 - In the RS, 15 days of leave per year can be approved for the care of a child aged below 15 years. For a child older than 15 years, a spouse and a parent, the leave can be a maximum of seven days in one

calendar year. If a family member below the age of 18 years has a difficult health condition (such as cerebral difficulties, malignant disease or similar), the leave can be longer but cannot exceed four months in one calendar year. Leave of 15 or 7 working days is financed by the employer, while for leave of four months the employer is refunded three months of salaries by the RS Health Insurance Fund.

- In BD, insured persons have the right to leave and corresponding salary compensation (paid in the amount of 80 per cent of previous earnings) for the care of child or spouse:
 - 15 days in one calendar year for the care of child aged below 15, and four months maximum for all diseases;
 - seven days in one calendar year for the care of a family member aged 15 and above (i.e., child and spouse), and two months maximum for all diseases.
- In the FBiH, the employer pays the salary compensation, which is fully refunded by the cantonal health insurance fund (procedure and rules regarding this benefit in the FBiH are defined by bylaw legislation adopted by cantonal health insurance funds and vary across cantons).

Specific provision for (breast) feeding

- An employed mother who returns to work before the child turns one year has the right to two daily breaks for breastfeeding. The FBiH law does not specify the amount of time for breastfeeding; but in RS, the specified time for breastfeeding is 60 minutes in addition to the standard break time, while the BD law stipulates two periods of 60 minutes per day. The time used for daily breaks for breastfeeding is counted in the regular working hours and is paid at 100 per cent of earnings.

Flexible working

- In the FBiH, after ending Maternity leave and until the child turns one year, the mother has the right to work part-time. In the case of twins, third, and any subsequent child, the mother has the right to work part-time until the child reaches two years of age (if the cantonal legislation does not stipulate longer leave). The father can also use this right if the mother works full-time. Parent working part-time is paid only for the actual hours worked (i.e., there is no compensation for non-worked hours).
- At the end of Maternity leave, one of the parents (in BD and RS this could also be an adoptive parent) of a child in need of special care due to a severe degree of developmental difficulties has the right to work part-time (half of the full working hours) until the child reaches three years of age. In the FBiH and BD, this right can be used only by a single parent or when both parents are employed and under the condition that the child is not placed in institutional care. In addition, the FBiH Law stipulates that parents have the right to financial compensation for the hours they are not working, in accordance with special legislation (however, this provision is ineffective because the right remains unregulated and parents working part-time are paid only by their employer for the actual hours working). In RS and BD, the parent receives compensation for the loss of salary, which covers the difference between the earned part-time salary (paid by the employer) and the parent's full salary (i.e., the salary they would have if working full-time).

In BD, this compensation is financed from the BD budget, while in RS by the RS Fund for Child Protection.

- In BD, the parent (including adoptive parent and foster care parent) of a child with mental developmental difficulties and in the RS with general psychophysical difficulties, who are not placed in institutional care, has the right to work part-time. This provision can be used based on a recommendation given by the medical doctor. In addition, the parent has the right to salary compensation (up to the amount they would have if working full time), paid from the BD budget. In the RS, the compensation is paid by the RS Fond for Child Protection.

Pre-natal examinations

- A pregnant worker has a right to use paid leave – equivalent to one working day – to attend pre-natal examinations and other health examinations related to pregnancy. Pregnant workers are obliged to announce the intention to use this right to the employer in a timely manner.

2. Relationship between leave policy and early childhood education and care policy

The maximum period of post-natal leave available in Bosnia and Herzegovina is just under 12 months, paid at a full rate in some areas. According to the Framework Law on Early Childhood Education and Care BiH³, it is obligatory for children to attend a preparatory preschool programme (PPP) from 5 years old; however, the implementation of the law is devolved to lower levels of the government, i.e., cantons in the FBiH, RS and BD, resulting in an unequal provision of these services and different degrees of coverage.

Bosnia and Herzegovina is not included in the comparative tables on ECEC enrolment produced for the OECD Family Database.

ECEC facilities in the country are organised in accordance with children's age: nurseries for children under the age of three, and kindergartens for children aged three to six years. However, access to and affordability of ECEC in the country is a severe challenge due to the lack of available facilities and the cost of services⁴. Although the number of children in ECEC facilities had grown before the pandemic, a significant number of children cannot enter ECEC due to a lack of places, primarily in public institutions in larger urban centres. However, there have been some improvements recently. In the school year 2022/2023, some 6,605 children were unable to enrol because of a lack of sufficient places, which is a decrease of 26.2 per cent compared to the year earlier.⁵

³ Official Gazette of BiH, no. 88/07.

⁴ For more details, see Nikolina Obradović (2021). Bosnia and Herzegovina's Family Policy Challenges in Meeting the European Union's Standards and Recommendations in *Croatian Journal of Social Policy*, (3) 2021.

⁵ Agency for Statistics of BiH, First Release, Demography and Social Statistics, Pre-School Education Upbringing and Education in the School Year 2022/2023 (preliminary data).

The latest national statistics for the year 2022/2023 report altogether 38,325 children attending some form of ECEC institution, which is an increase of 15.4 per cent compared to the previous pedagogical year⁶. The table below gives estimates of ECEC coverage in the country for the last two pedagogical years.

	Pedagogical year 2021/2022			Pedagogical year 2022/2023		
	Total number of children	Number of enrolled children	Enrolment (coverage rate), in per cent	Total number of children	Number of enrolled children	Enrolment (coverage rate), in per cent
children aged 0-6	208,816	32,387	15.51	208,349	38,325	18.39
children aged 0-2	90,035	7,525	8.36	88,988	9,278	10.43
children aged 3-6	118,781	24,862	20.93	119,361	29,047	24.34

Source: Estimates based on Agency for Statistics of Bosnia and Herzegovina preschool education statistics and population estimates⁷.

3. Changes in policy since April 2022 (including proposals currently under discussion)

In 2022, the FBiH entity adopted the Law on Financial Support to Families with Children (Official Gazette of the FBiH, 55/22), thereby introducing single amounts of Child benefit and Maternity allowance in the FBiH entity. The law revoked provisions on child and family benefits in the FBiH Law on Principles of Social Protection, Protection of Civilian Victims of War and Protection of Families with Children, which devolved the implementation of these provisions to cantons. Implementation of the Law on Financial Support to Families with Children introduced a uniform amount of maternity allowance paid to mothers who are not employed (including those in education), and uniform child benefits in the FBiH entity. The child benefits will be financed by the FBiH entity, while maternity allowances by cantons. Beyond the rights stipulated by the entity law, cantons can decide to keep some of the old benefits or introduce some new benefits depending on their needs and financial capacities. As presented in the table on Maternity allowances (Section 1), differences in benefits levels are still present because some cantons provide additional or higher benefits than stipulated by the FBiH law. Also, the two cantons still need to align their legislation with the FBiH law.

The law did not bring any changes with regard to the financing of maternity benefits, and their amounts still vary (see Section 1).

Accessed on 10 March 2023 at: https://bhas.gov.ba/data/Publikacije/Saopstenja/2023/EDU_07_2022_Y2_0_BS.pdf

⁶ Ibid.

⁷ Table adapted from Nikolina Obradović, Bosnia and Herzegovina's Family Policy Challenges in Meeting the European Union's Standards and Recommendations in *Croatian Journal of Social Policy*, (3) 2021. (www.rsp.hr)

4. Uptake of leave

a. Maternity leave

In 2021, the RS Fund for Child Protection⁸ recorded a total of 4,228 beneficiaries of financial compensations during Maternity leave, out of which 29 were fathers. The highest number of fathers benefitting from Maternity leave was 63 in 2020. In 2021, there were 5,329 beneficiaries of the Maternity allowance for unemployed mothers in the RS.

According to information for the year 2020 provided by the FBiH Ministry of Labour and Social Policy⁹, which collects information from responsible cantonal ministries, financial compensation during Maternity leave was used by 8,091 beneficiaries, while 4,708 beneficiaries used the Maternity allowance. There is no information about the number of fathers using maternity benefits.

b. Paternity leave

- No statutory entitlement.

c. Parental leave

- No statutory entitlement.

⁸ Information is on file with the author. It was received on 28 March 2022.

⁹ Information is on file with the author. It was received on 21 March 2022.